

Governor's Executive Orders/Proclamations

**EXECUTIVE ORDERS, PROCLAMATIONS OF
GENERAL APPLICABILITY, AND STATEMENTS
ISSUED BY THE GOVERNOR
PURSUANT TO A.R.S. § 41-1013(B)(3)**

The Administrative Procedure Act (APA) requires the full-text publication of all Executive Orders and Proclamations of General Applicability issued by the Governor. In addition, the *Register* shall include each statement filed by the Governor in granting a commutation, pardon or reprieve, or stay or suspension of execution where a sentence of death is imposed. With the exception of egregious errors, content (including spelling, grammar, and punctuation) of these orders has been reproduced as submitted.

**EXECUTIVE ORDER 2005-10
TO PROVIDE MONEYS FROM THE HEALTH CRISIS FUND TO HELP CONTROL
EMERGING ROCKY MOUNTAIN SPOTTED FEVER INFECTIONS**

[M05-149]

WHEREAS, pursuant to A.R.S. § 36-797, the Legislature has established the Health Crisis Fund authorizing the Governor to approve specific liabilities and expenditures in order to respond to a health crisis or a significant potential for a health crisis; and

WHEREAS, Rocky Mountain spotted fever is a severe and potentially lethal disease that has already caused two deaths of children in Arizona in 2003 and 2004; and

WHEREAS, the number of Rocky Mountain spotted fever cases has increased considerably from seven cases in ten years (1994-2003) to fourteen cases in 2004 alone, primarily affecting the White Mountain Apache Tribe; and

WHEREAS, the Centers for Disease Control and Prevention has recently concluded that the threat posed by Rocky Mountain spotted fever is expected to increase and expand to other areas because of severe tick infestations in the affected areas and a growing number of stray dogs that contribute to spreading the vector ticks; and

WHEREAS, the public health threat posed by Rocky Mountain spotted fever can be reduced through joint efforts with tribal and federal agencies to develop and implement a plan to increase public awareness on tick control practices, the role of dogs in spreading ticks that transmit the disease, and prevention of tick bites; and

WHEREAS, efforts to control Rocky Mountain spotted fever are neither a contingency nor an emergency pursuant to A.R.S. § 35-192 because they require neither state-municipal resource coordination nor Department of Emergency and Military Affairs assistance;

NOW THEREFORE, I, Janet Napolitano, Governor of the State of Arizona, by virtue of the authority vested in me by the Arizona Constitution and the laws of the State, declare a significant potential for a health crisis in this State and hereby order as follows:

1. The Health Crisis Fund, as established pursuant to A.R.S. § 36-797, is authorized to transfer the sum of fifty thousand dollars (\$50,000) to the Department of Health Services for use in combating Rocky Mountain spotted fever.
2. The Department of Health Services shall expend all moneys transferred pursuant to this Order on measures to reduce the spread and threat posed by Rocky Mountain spotted fever in Arizona and shall report to the Legislature and the Governor by December 31, 2005 on the expenditures of all sums so transferred.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona.

**Janet Napolitano
GOVERNOR**

Signed at the Capitol in Phoenix this 8th day of April Two Thousand Five and of the Independence of the United States of

America the Two Hundred and Twenty-Ninth.

ATTEST:

Janice K. Brewer
SECRETARY OF STATE

EXECUTIVE ORDER 2005-11

GOVERNOR'S COMMITTEE FOR TEACHER QUALITY AND SUPPORT

[M05-150]

WHEREAS, retaining high-quality teachers in the classroom is the best way to impact student achievement; and

WHEREAS, modernizing compensation, college preparation, professional opportunity and development will aid the State of Arizona in attracting and retaining the best and brightest teachers, workers and students in an ever-changing competitive marketplace; and

WHEREAS, creating a governance structure for the sole purpose of addressing teacher quality and support helps move our education system forward;

NOW, THEREFORE, I, Janet Napolitano, Governor of the State of Arizona, by virtue of the power vested in me by the Constitution and the laws of this State, do hereby create the Governor's Committee for Teacher Quality and Support (the "Committee") and order as follows:

1) The Committee shall:

- Develop a teacher training delivery system to address the lack of uniform access to quality induction, mentoring and ongoing professional development that includes embedded training and teacher collaboration;
- Identify opportunities and obstacles in teacher preparation programs to recruit highly motivated students who are focused on success, and provide them world class training;
- Identify pay gaps and systems concerns that lead to pay disparities across counties and districts for the same performance and experience;
- Identify possible governance issues and solutions related to teacher quality and support;
- Facilitate a survey of Arizona's certified teachers and identify working condition impediments; and
- Report to the Governor preliminary recommendations for action or additional study by December 1, 2005, and every September 1st thereafter.

- 2) The Committee shall consist of not more than thirteen (13) members from the education and business communities across Arizona. Committee members shall be appointed by the Governor and serve without compensation.
- 3) Committee members shall ultimately have staggered two-year terms, with six of the initial appointments being for one-year terms and seven of the initial appointments being for two-year terms. Thereafter, appointments shall be for two-year terms. Committee members may be appointed to serve more than one term or invited to serve on-call at the pleasure of the Governor as Auxiliary Committee members at the conclusion of their appointments. Active and Auxiliary Committee members shall identify and recommend candidates for vacant Committee positions.
- 4) Each year the Governor shall designate a Chairperson from among the membership of the Committee. The Chairperson shall serve for one year but may be designated for an additional year by the Governor.
- 5) The Committee shall meet at the call of the Chairperson. Committee members shall vote in person, not by proxy, and may not send a designee for voting purposes.
- 6) The Chairperson may form an executive committee or other committee as necessary.
- 7) The Committee shall meet to conduct its affairs at least four times each year at various locations across the state.
- 8) The Committee may conduct and attend other meetings to ensure alignment with other education and economic development efforts.

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IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona.

Janet Napolitano
GOVERNOR

DONE, at the Capitol in Phoenix this 4th day of May in the Year Two Thousand and Five and of the Independence of the United States of America the Two Hundred and Twenty-Ninth.

ATTEST:

Janice K. Brewer
SECRETARY OF STATE

EXECUTIVE ORDER 2005-12

**TO SPEND MONEY FROM THE HEALTH CRISIS FUND
ON THE PREVENTION OF PERTUSSIS**

[M05-151]

WHEREAS, pertussis (whooping cough) is a potentially lethal disease that is causing serious illnesses and fatalities in Arizona infants this year; and

WHEREAS, there are currently significant outbreaks of pertussis in counties across Arizona; and

WHEREAS, Arizona is currently experiencing its most prolonged pertussis outbreak since 1997; and

WHEREAS, the number of cases of pertussis in Arizona has increased every quarter for the last four quarters, suggesting that there is a significant threat of a large epidemic; and

WHEREAS, pertussis is being spread in part by adolescents whose vaccine-induced immunity has waned; and

WHEREAS, a new vaccine is available for immunizing adolescents, providing a powerful new intervention to help slow the spread of the disease from adolescents to infants, who are most likely to die from it; and

WHEREAS, the foregoing circumstances constitute a significant potential for a health crisis in Arizona; and

WHEREAS, these circumstances are neither a contingency nor an emergency pursuant to A.R.S. § 35-192 because they require neither state-municipal resource coordination nor Department of Emergency and Military Affairs assistance;

NOW, THEREFORE, I, Janet Napolitano, Governor of the State of Arizona, by virtue of the authority vested in me by the Arizona Constitution and the laws of the State, declare a significant potential for a health crisis in the State, and hereby order as follows:

1. Pursuant to A.R.S. § 36-797, the sum of five hundred thousand dollars (\$500,000.00) shall be transferred from the Health Crisis Fund to the Department of Health Services ("DHS") for use in responding to the current pertussis outbreak.
2. DHS shall expend all moneys transferred pursuant to this Order on measures to reduce the spread and threat to public health posed by pertussis in Arizona and shall report to the Legislature and the Governor by December 31, 2005 on the expenditure of all sums so transferred.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona.

Janet Napolitano
GOVERNOR

DONE at the Capitol in Phoenix on this 20th day of May in the Year Two Thousand and Five and of the Independence of the United States of America the Two Hundred and Twenty-Ninth.

ATTEST:

Janice K. Brewer
SECRETARY OF STATE

EXECUTIVE ORDER 2005-13

SUMMIT ON IMMIGRATION ENFORCEMENT STRATEGIES

[M05-152]

WHEREAS, the state of Arizona, one of four southern border states disproportionately impacted by illegal immigration, is experiencing significantly more criminal aliens per capita than other states; and

WHEREAS, the Department of Justice has failed to adequately enforce federal immigration law or reimburse Arizona's actual costs of incarcerating criminal aliens, thereby costing Arizona taxpayers more than \$200 million over the last three years; and

WHEREAS, pursuant to 8 U.S.C. § 1357, state and local law enforcement entities are authorized to play a limited role in the enforcement of federal immigration law; and

WHEREAS, state and local law enforcement officers often encounter illegal immigrants and detain them while the Immigration and Customs Enforcement (ICE) office of the Department of Justice is called; and

WHEREAS, notwithstanding the foregoing, ICE is so understaffed in parts of Arizona that it often is unable or unwilling to pick up such illegal immigrants to remove them or detain them in federal facilities; and

WHEREAS, when the calls of local law enforcement officials are not responded to by ICE, such local officials are currently required to release illegal immigrants they have detained, effectively creating a "catch and release" scenario that hampers effective immigration law enforcement; and

WHEREAS, the growing number of illegal immigrants in Arizona and the cost to Arizona taxpayers therefrom requires a more cooperative and effective effort between local state and federal governments to reduce the number of undocumented immigrants; and

WHEREAS, to accomplish effective state and local law enforcement assistance in enforcing federal immigration law, Arizona needs adequate resources and a comprehensive immigration law enforcement strategy.

NOW, THEREFORE, I, Janet Napolitano, Governor of the State of Arizona, by virtue of the authority vested in me by the Constitution and laws of this State, hereby order and direct as follows:

1. The Director of the Department of Public Safety (the "Department") shall convene and chair a summit within sixty (60) days of the execution of this Order to comprehensively review issues surrounding state and local law enforcement of immigration law (including but not limited to, ways state and local government can contribute to immigrant detention solutions and the resources they would need to be effective) and shall make formal recommendations to the Governor.
2. Invitees to the summit shall be from across Arizona, but with particular emphasis on Arizona counties along the Mexican border. Invitees shall include, but not be limited to, at least one representative from each of the following entities:
 - Arizona Sheriff's Association
 - Arizona Association of Chiefs of Police
 - Association of County Attorneys and Sheriffs
 - Arizona Police Association
 - Arizona Department of Public Safety
 - United States Border Patrol
 - Immigration and Customs Enforcement
 - The Department of Corrections
 - The U.S. Attorney's Office
 - Luke Air Force Base
 - Arizona-Mexico Commission
 - The Attorney Generals Office
 - The Governor's Office of Homeland Security
 - Arizona Criminal Justice Commission
 - Arizona Prosecuting Attorneys Advisory Council

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3. Not later than ninety (90) days following the summit, the Department shall make recommendations to the Governor on at least the following topics:
 - (a) A cooperative plan between federal, state, county and local law enforcement entities that details strategies for improving enforcement of federal immigration law within Arizona's borders. Such plan shall specifically address ways to reduce incidences where ICE is unable or unwilling to take custody of illegal immigrants being detained by state and local law enforcement officers, as well as other ways to reduce the number of violations of federal immigration law within Arizona.
 - (b) A "best practices" model for improved enforcement of immigration laws, including, but not limited to, programs or Memoranda of Understanding from other jurisdictions that have successfully addressed similar topics.
 - (c) Changes to federal or state law needed to improve enforcement of federal immigration law.
 - (d) Identification of the resources state and local law enforcement agencies would need to effectively assist the federal government in enforcing federal immigration laws.
4. The Department is further directed to develop and immediately implement a plan using existing resources, and independent of the summit, to enforce federal immigration statutes to the maximum extent allowed by law (including specifically 8 U.S.C. § 1357, relating to the detention and arrest of illegal immigrants who commit felonies) as well as to reduce violations of Arizona law by illegal immigrants.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona.

Janet Napolitano
GOVERNOR

Done at the Capitol in Phoenix on this 3rd day of June in the Year Two Thousand and Five and of the Independence of the United States of America the Two Hundred and Twenty-Ninth.

ATTEST:

Janice K. Brewer
SECRETARY OF STATE